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**Statement on behalf of the American Civil Liberties Union of the District of Columbia
before the
D.C. Council Committee on the Judiciary and Public Safety
by
Alicia Yass
April 23, 2025**

Chairwoman Pinto:

Good morning. My name is Alicia Yass, and I am Supervising Policy Counsel for the American Civil Liberties Union of the District of Columbia (ACLU-D.C.). Thank you for the opportunity to speak today on some of the bills that are a part of the Peace DC Plan, specifically the Pretrial Detention Act of 2025 and the Residential Tranquility Amendment Act of 2025.

We are in agreement; D.C. residents deserve to be safe. However, locking more people up before they are found guilty will not make D.C. safer. If preventing crime is the goal, pretrial detention is not the solution. Pretrial releases in D.C. are not driving crime: 92 percent of people released from pretrial are not rearrested and only 1 percent are rearrested for a violent offense while awaiting trial.¹ Locking more people up pretrial can have a negative effect on public safety, by separating people from their support networks, jobs, and housing. Even short periods of unnecessary detention increase a person's risk of re-arrest.² Beyond its ineffectiveness, it is our constitutional right to be presumed innocent until proven guilty. Pretrial detention does just the opposite -- it treats certain people as guilty until proven innocent.

Further, the Council has previously recognized the need for more information before taking permanent legislative action regarding pretrial detention. The Criminal Justice Coordinating Council (CJCC) has been analyzing pretrial detention data, but they have not yet issued their final report. The information in the CJCC report needs to be reviewed by both the Council and the public before there can be a full and robust conversation on pretrial detention. Without that, we are only having part of the conversation and are doing a disservice to the community.

The District's leaders should build a comprehensive public safety system that focuses on prevention, effectiveness, and accountability; none of which pretrial detention addresses. Should the committee choose to move the legislation, we urge you to wait until the CJCC report is

¹ Court Services and Offender Supervision Agency for the District of Columbia, FY 2022 Agency Financial Report (Nov. 15, 2022), <https://www.psa.gov/sites/default/files/FY%202022%20Agency%20Financial%20Report.pdf>.

² Ian Silver et al, "Does Jail Contribute to Individuals Churning in and out of the Criminal Legal System? A Quasiexperimental Evaluation of Pretrial Detention on Time Until New Arrest," (July 7, 2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4503725.

available, which will give evidence integral to this legislation. Without this, we urge the committee to vote NO on Bill 26-0188.

With regards to the Residential Tranquility Amendment Act of 2025, while the ACLU-D.C. understands that people have a reasonable expectation of peace in their homes, it is our position that any bill that seeks to restrict people's First Amendment activities must thoughtfully balance the importance of this right. The noise in residential neighborhoods this bill seeks to curtail is already prohibited. The Council should urge the Chief of Police to enforce the District of Columbia Noise Control Act in a constitutionally adherent manner, rather than adopt additional legislation.

Under the D.C. Noise Control Regulations, it is the “declared public policy of the District that every person is entitled to ambient noise levels that are not detrimental to life, health, and enjoyment of his or her property.” To that end, it is already unlawful to use a device to create noise louder than 60 dB(A) in a residential area during the day or louder than 55 dB(A) at night (defined at 20 DCMR 2799.1 as the period from 9 p.m. to 7 a.m.). Even if noise does not exceed these specific limits, it will still violate the regulations if it constitutes a “noise disturbance,” defined as “any sound which is loud and raucous or loud and unseemly and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities in the vicinity thereof, unless the making and continuing of the noise is necessary for the protection or preservation of the health, safety, life, or limb or some person.”³

The fact that existing regulations provide authority to address excessive noise in residential areas is reason enough to not enact the provisions of Residential Tranquility Amendment Act of 2025 that duplicate existing protections in the D.C. Noise Control Regulation. Additionally, some of the provisions in the proposed legislation are not merely duplicative, these provisions go further than the D.C. Noise Control Regulations in restricting speech and in doing so raise several concerns.

First, the bill could be interpreted to prohibit demonstration noise when the same level of non-demonstration noise might be allowed. Currently it reads “(a-1) It is unlawful for a person to use a sound amplifying device to target a residence **for purposes of a demonstration** between 7:00 p.m. and 9:00 a.m. in Residential Zones, Residential Flat Zones, or Residential Apartment Zones, as those terms are defined in the District of Columbia Zoning Regulations” (emphasis added). But prohibiting expressive activity “while at the same time allowing conduct completely unrelated to the First Amendment, yet equally annoying, to continue unabated . . . stands the First Amendment on its head.” This should be corrected in two ways, remove the language “for the purposes of a demonstration,” and hours should be the same as those for disorderly conduct, 10pm-7am.⁴

Second, the lack of clarity about how a police officer should ask a group to disperse is problematic because it does not sufficiently guide officers or protestors. In a potentially noisy

³ D.C. Department of Buildings, Noise Regulation Handbook, <https://dob.dc.gov/sites/default/files/dc/sites/dob/Noise%20Regulation%20Handbook.pdf>.
⁴ D.C. Code § 22-1321(d), <https://code.dccouncil.gov/us/dc/council/code/sections/22-1321>.

context, would a singular, softly spoken request be sufficient to trigger a responsibility to disperse that may be subject to greater liability if not heeded? We propose the Council add language that explains how a law enforcement officer should clearly ask a group to disperse and require multiple warnings. We urge the Council to adopt language similar to D.C. Code § 5–331.07(e)(1)(A), police handling and response to first amendment assemblies.

Third, we propose Council exclude automobile audio systems altogether in its definition of “sound amplifying device” and strike the language that limits the exclusion of audio systems “when used and heard only by the occupants of the vehicle in which the automobile audio system is installed.”

Finally, we understand that the bill does not intend to proscribe noise from passers-by, whether demonstrators or not. The legislation should explicitly state this exclusion by including language that clearly states that the limits on using sound amplification devices should not apply to people that are passing by a residence or through a neighborhood, whether for a demonstration or not.

Should the committee choose to move the legislation, we urge it to amend the legislation as outlined herein. Without these significant amendments, we urge the committee to vote NO on Bill 26-0189.

We do commend parts of the Peace DC package that offer positive developments for the D.C. community. For instance, the Fair Hiring Opportunities for Public Employment (HOPE) Amendment Act of 2025, which creates better pathways from training programs to employment for returning citizens. This appears to offer concrete ways to help all members of our community earn a living. The proposal to merge the violence interrupter programs is also strong. It will create consistent training, engagement, and reporting requirements and ensure accountability, both programmatically and financially, which is a benefit to all D.C. residents. However, the combined program should still be independent. We encourage the Council to continue to look towards programs like these and seek community input from those directly impacted, in order to be successful.

We share a common goal of living in a community that is safe for all and provides opportunities for all. We will continue to work with the Council to achieve this.

Thank you for your time and attention.